

## REMARKS

Claims 1-29 were examined. All claims were rejected. In response to the above-identified Office Action, Applicants amend claim 14, but do not add or cancel any other claims. Reconsideration of the current claims in light of the following remarks is respectfully requested.

### **I. Claims Rejected Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-4, 6-9, 11, 12, 14, 15, 17, 19, 24, 25, 27 and 28 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,615,288 issued to *Herzi* ("*Herzi*") in view of U.S. Patent No. 6,128,732 issued to *Chaiken* ("*Chaiken*"). For claims to be unpatentable under 35 U.S.C. § 103(a) in view of several references, the references must teach or suggest every limitation of the rejected claims, and there must be some motivation *in the references* to make the proposed combination. Applicants disagree that *Herzi* and *Chaiken* fulfill these requirements.

As to claim 1, that claim recites a system comprising, among other elements, an external bus support component to cause a periodic interrupt to be generated. The Examiner concedes that *Herzi* fails to teach such a component, but asserts that this information can be found in *Chaiken*. However, Applicants are unable to locate the alleged teaching in the section identified by the Examiner. In column 3, lines 24-40, *Chaiken* discloses a periodic SMI (system management interrupt) generated by *a USB device*, not by an external bus support component.

In addition, the Examiner suggests that a practitioner would have been motivated to apply *Chaiken's* periodic interrupt to *Herzi's* system "to ensure the integrity of the system." However, neither *Chaiken* nor *Herzi* were concerned with ensuring system integrity. Instead, *Herzi* teaches methods for using USB devices without requiring additional hardware such as an 8042 keyboard controller (*see col. 5, lines 3-8*) and for converting a USB device interrupt into a system management interrupt (SMI) (*see col. 6, lines 41-46*). *Chaiken* uses system management mode (SMM) to help reduce the amount of main memory required to support USB devices on a computer system. *See col. 8, lines 31-42*. Although the two references are concerned with similar topics (the use of System Management Mode in providing USB support on a computer), neither raises the problem of system integrity or suggests that the invention has advantageous properties with respect to system integrity. Therefore, Applicants

believe the Examiner's suggestion to combine *Herzi* and *Chaiken* to ensure system integrity is the result of impermissible reliance on hindsight, since only Applicant's disclosure discusses avoiding operating system hanging by means of periodic SMIs (see Application ¶ 0024).

For at least the reasons discussed above, Applicants respectfully submit that the Examiner has not established a *prima facie* case of unpatentability of claim 1, and request that the rejection be withdrawn.

As to claims 2-4, 6 and 7, those claims depend on claim 1, and are patentable for at least the reasons discussed in support of claim 1. Applicants respectfully request that the rejections of these claims also be withdrawn.

As to claim 8, that claim contains limitations similar to those in claim 1, that are not taught by the cited references. Specifically, neither *Herzi* nor *Chaiken* teach or suggest periodic interrupts generated by BIOS instructions which when executed cause the processor to perform operations including causing an interrupt to be periodically generated. Also, the Examiner's proposed motivation for combining the references is not taught or suggested by either reference, but instead appears to be the result of hindsight. For at least these reasons, Applicants request that the rejection of claim 8 be withdrawn.

As to claims 9, 11 and 12, those claims depend on claim 8, and are patentable for at least the reasons discussed in support of claim 8. Applicants respectfully request that the rejections of these claims be withdrawn.

As to claim 14, Applicants are confused by the Examiner's comment that "since *Herzi*/*Chaiken* teaches the system of claims 8, 9, 11 and 12, *Herzi*/*Chaiken* teaches the claimed method." Claim 14 is independent of claims 8, 9, 11 and 12, so even assuming, *arguendo*, that *Herzi* and/or *Chaiken* taught the claimed system, a different analysis must apply to the method. To the extent that the Examiner's analysis of the system of claim 8 is applicable to the method of claim 14, Applicants note that the cited portion of *Herzi* describes deploying a software routine for the USB device in a portion of memory, and not obtaining a portion of a memory to be used to maintain a plurality of USB device data. A software routine is different from USB device data, so the contents of *Herzi*'s memory is different from the contents required by claim 14. Also, claim 14 requires that an interrupt be periodically generated by an external bus support component, which is different from *Chaiken*'s teaching that the periodic interrupts be generated by a USB

device. For at least these reasons, Applicants believe that claim 14 is patentable over the references made of record, and respectfully request that the Examiner withdraw the rejection.

As to claims 15, 17 and 19, those claims depend directly or indirectly upon claim 14, which was shown to be patentable in the discussion above. For at least the reasons discussed there, Applicants respectfully request that the rejection of those claims be withdrawn.

As to claim 24, that claim recites a machine readable medium having instructions thereon which when executed by a processor cause the instructions to be copied to a basic input-output system (BIOS) such that during subsequent boot up of a system including the processor, the processor performs various specified operations. In addition to the deficiencies of *Herzi* and *Chaiken* with respect to those operations, as discussed previously in relation to claim 14, the Examiner has failed to identify any references that teach the other limitations of claim 24, as stated above. For at least these reasons, Applicants believe that claim 24 is patentable over the references made of record, and respectfully request that the Examiner withdraw the rejection.

As to claims 25, 27 and 28, those claims further refine the machine readable medium of claim 24, and are patentable for at least the reasons discussed in support of claim 24. For at least those reasons, Applicants respectfully request that the rejection of those claims be withdrawn.

The Examiner rejected claims 5, 13, 18 and 29 under 35 U.S.C. § 103(a) as unpatentable over *Herzi* and *Chaiken*, and further in view of Intel, "Instantly Available Power Managed Desktop PC Design Guide," Rev. 1.2, September 25, 1998 ("*Intel*"). Those claims depend upon claims 1, 8, 14 and 24, respectively, and are patentable for at least the reasons discussed in support of those base claims. Applicants respectfully submit that *Intel* fails to cure the deficiencies discussed above in connection with the primary references, and request that these rejections be withdrawn.

The Examiner rejected claims 10, 16, 22 and 26 under 35 U.S.C. § 103(a) as unpatentable over *Herzi* and *Chaiken*, and further in view of U.S. Patent No. 6,401,202 issued to Abgrall ("*Abgrall*"). Those claims depend upon one of claims 8, 14 and 24, and are patentable for at least the reasons discussed in support of those base claims. Applicants respectfully submit *Abgrall* fails to cure the deficiencies discussed above in connection with the primary references, and request that these rejections be withdrawn.

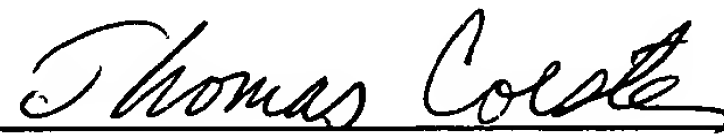
The Examiner also rejected claims 20 and 21 under 35 U.S.C. § 103(a) as unpatentable over *Herzi* and *Chaiken*, and further in view of U.S. Patent No. 6,772,252 issued to Eichler *et al.* ("*Eichler*"). Those claims depend directly or indirectly upon claim 14, and are patentable for at least the reasons discussed in support of that base claim. Applicants respectfully submit that *Eichler* fails to cure the deficiencies discussed above in connection with the primary references, and request that these rejections be withdrawn.

CONCLUSION

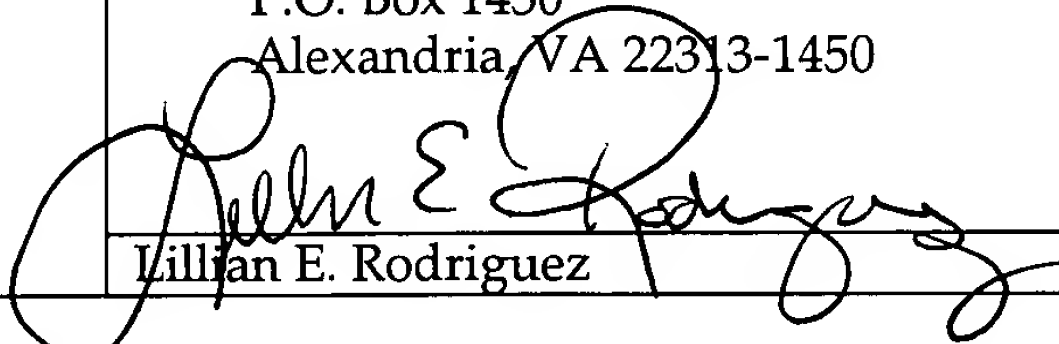
In view of the foregoing, it is believed that all claims now pending, namely claims 1-29, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Dated: 10/26, 2004

Respectfully submitted,  
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<p>12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025  (310) 207-3800</p>	<p style="text-align: center;"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:</p> <p style="text-align: center;">Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p> Lillian E. Rodriguez</p> <p style="text-align: right;">10-26-04 October 26, 2004</p>
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